UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,285	03/04/2004	Colin N.B. Cook	2540-0703	3144

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EXAMINER
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ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/792,285	COOK ET AL.
	Examiner	Art Unit	
	Hieu T. Hoang	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the communication filed on 03/04/2004.

2.   Claims 1-12 are pending and presented for examination.

Claim Objections

3.   Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. Claim 5 is broader than

claim 1 in terms of scope (claim 5 recites "only power, ground, and a physical PCI slot

of the host computer" while claim 1 recites "only said host computer's power source");

therefore, it cannot be dependent on claim 1.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
>
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Specifically, the phrase "utilizing electronically" is vague, it is

not clear what the applicant means by "electronically". For examining purpose, the

phrase will be interpreted as "utilizing" alone. Appropriate correction is required.

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the specification discloses that the virtual presence server utilizes "a slot and power" from the host computer ([0030]). Furthermore, it is clearly seen that the virtual presence server (the PCI card) also captures video signals from the host's video structure. However, the claim recites "utilizing electronically only said host computer's power source," which is not supported by the current disclosure. The word "only" will be disregarded in the process of examination.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2)

of such treaty in the English language.

9.   Claims 1-3 and 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Leigh et al. (US 2003/0088655, hereafter Leigh).

10.   For claim 1, Leigh discloses a virtual presence architecture (VPA) between a

host computer and a remote computer comprising:

        a virtual presence server installed inside said host computer (fig. 1, [0051] lines

20-26, RMM PCI card for KVM remote access) and utilizing electronically only said host

computer's power source ([0051], power line 136); and

        a virtual presence client communicating with said host computer through said

virtual presence server to provide a virtual presence on said remote computer (fig. 1,

management computer 20 remote monitoring server S1 via a KVM card).

11.   For claim 2, Leigh further discloses said virtual presence server is a PCI card

installed in a PCI slot of said host computer ([0051] lines 20-26, PCI KVM card).

12.   For claim 3, Leigh further discloses said virtual presence server includes a

connector that connects to a video graphics card, keyboard and mouse of said host and

provides connections for the corresponding devices to be connected and looped

through to said host (fig. 5, mouse, keyboard connections, and video controller, other

device such as power button, [0007], virtual devices).

13.   For claim 5, Leigh further discloses said virtual presence server uses only power,

ground, and a physical PCI slot of the host computer ([0051], power inherently including

ground line, PCI card).

14.   For claim 6, Leigh further discloses said virtual presence server does not

interfere with the processing of said host CPU ([0036], [0037], outgoing snooping is

done by the card, no host CPU processing required, incoming processing (signal

translation) is done by the card logic and is transferred to appropriate device via PCI

bus).

15.   For claim 7, Leigh discloses a virtual presence architecture (VPA) comprising:

       a host computer (fig. 1, server 1);

       means for establishing a virtual presence server installed inside said host (fig. 1,

RMM 1); and

       means for establishing a virtual presence client communicating with said host

computer to provide a virtual presence solution (fig. 1, [0036], [0037], sending KVM data

between said host computer and said client computer for virtual remote accessing the

host computer).

16. For claim 8, Leigh discloses a method of providing virtual presence, comprising:

identifying a host computer (fig. 1, server 1);

identifying a remote computer (fig. 1, remote management computer);

installing a virtual presence server (VPS) in said host computer (fig. 1, RMM 1);

installing a virtual presence client (VPC) in said remote computer (abstract,

[0067], Java enabled web page to remote control the host by KVM); and

sending data between said host computer and said client computer in order to

establish a virtual presence on said host computer (fig. 1, [0036], [0037], sending KVM

data between said host computer and said client computer for virtual remote accessing

the host computer).

17. For claim 12, Leigh further discloses the VPC is implemented entirely in software

installed on said remote computer (abstract, [0067], Java enabled web page to remote

control the host by KVM).

18. Claim 9 is rejected for the same rationale as in claim 2.

19. Claim 11 is rejected for the same rationale as in claim 3.

20. Claim 10 is rejected for the same rationale as in claim 5.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leigh in view of Zansky et al. (US 6,947,287, hereafter Zansky).

23.   For claim 4, Leigh discloses the invention as in claim 1. Leigh does not disclose said virtual presence server (or PCI card) includes an external power connection so that it can monitor the power status of said host.

However, Zansky discloses a PCI card includes an external power connection so that it can monitor the power status of said host (fig. 4, col. 4 lines 16-41, a PCI card for monitoring power level of a power supply with external connection for remote monitoring)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Leigh and Zansky to add other features such as power level monitoring to the PCI KVM card of Leigh.

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

- Dambrackas. US 2005/0069034.

- Ramsey et al. US 2003/0200345.

- Ferguson. US 2003/0184960.

- Ferguson et al. US 2003/0126323.

- Li. US 6,672,896.

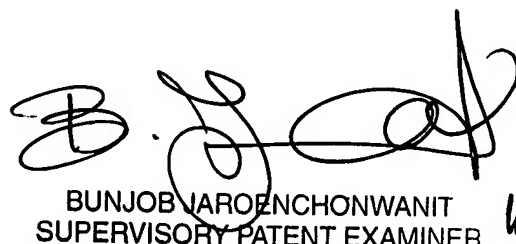- Policard. US 6,578,140.

- Fung. US 2003/0200473.

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-

1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m.,

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HH

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER   11/9/7